

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

**IN RE: APPLICATION OF ONEPOINT COMMUNICATIONS-GEORGIA,  
L.L.C. , FOR A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO PROVIDE INTRASTATE  
TELECOMMUNICATIONS SERVICES.**

**Docket No. 00 - 00112**

**RECEIVED**

**MAR 27 2000**

**TN REGULATORY AUTHORITY  
TELECOMMUNICATIONS DIVISION**

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**DIRECT TESTIMONY OF EDWARD J. MARSH, JR.**

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REGULATORY AUTH.

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OFFICE OF THE  
EXECUTIVE SECRETARY

**Docket No. 00 - 00112**

Direct Testimony of Edward J. Marsh, Jr.  
on behalf of OnePoint Communications-Georgia, L.L.C.

Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS?

A. My name is Edward J. Marsh Jr., I am the Manager of Regulatory Affairs with OnePoint Communications and my business address is Two Conway Park, 150 Field Drive, Suite 300, Lake Forest, IL 60045.

Q. PLEASE DESCRIBE YOUR BUSINESS EXPERIENCE AND BACKGROUND.

A. I graduated in 1968 from the University of Notre Dame with a degree of Bachelor of Arts in Government. I received the degree of Master of Business Administration, concentrated in Finance, from Benedictine University in 1979, and a graduate level Certificate in International Business from Benedictine University in 1994. I served in the United States Army for three years from 1968 to 1971. I was employed by Illinois Bell Telephone Company in June 1971 as an Operations Manager, and spent some six years in various Operations functions with Illinois Bell. In 1978, I was transferred to the Regulatory Department in Illinois Bell, where I specialized in regulated financial activities. In 1984, I moved to the Federal Regulatory section of the newly created Ameritech Corporation, where I served until retirement in December 1997. After one year working with Merrill Lynch Financial Advisors, I accepted the position of Manager, Regulatory Affairs with OnePoint Communications in 1999. At OnePoint Communications, I am responsible for a wide range of both federal and state regulatory issues.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS AUTHORITY?

A. No, I have not.

Q. HAS ONEPOINT PREVIOUSLY APPLIED FOR CERTIFICATION TO PROVIDE INTRASTATE SERVICES IN TENNESSEE?

A. Yes. OnePoint was certified as a resale provider on October 20, 1998 in Case Number 98-00501.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is: (a) to describe OnePoint's corporate structure; (b) to describe the financial, technical and managerial resources of OnePoint in order to show that OnePoint has resources, experience and abilities to provide the services described in its Application for authority; (c) to describe the Application of OnePoint for a certificate of authority; and (d) to comment on the public need for, and the public benefits of, OnePoint's proposed intrastate services.

Q. PLEASE DESCRIBE ONEPOINT'S CORPORATE STRUCTURE AND AUTHORITY.

A. OnePoint is a Delaware corporation incorporated on February 25, 1997. It is a limited liability corporation established pursuant to the Limited Liability Company Act of the State of Delaware. OnePoint has gained a wealth of experience and knowledge in both the local and long distance telecommunications industry as

well as the Internet provider business through its operations in Arizona, Colorado, Georgia, Virginia, Maryland, Pennsylvania, Delaware, North Carolina, South Carolina, and the District of Columbia. OnePoint is a Delaware corporation authorized to transact business in the State of Tennessee.

Q. PLEASE DESCRIBE ONEPOINT'S TECHNICAL AND MANAGERIAL QUALIFICATIONS TO OPERATE THE NETWORKS.

A. OnePoint proposes to operate initially as a resale telecommunications provider in Tennessee replicating its exclusive marketing, residential multiple dwelling unit resale approach. OnePoint will eventually deploy a Class 5 switch functionality together with interoffice facilities self-constructed or UNEs. OnePoint currently owns switching equipment in Arizona with scheduled switch deployment in Denver, Atlanta, Northern Virginia, and the District Of Columbia during the year 2000. The ability of OnePoint's management team to provide local services through the use of its own facilities, underscored by Mr. Fuller's previous work experience in the deployment of switched services for e.spire Communications and OnePoint's recent switch deployment in Phoenix, is further evidenced by the profiles of the management team in Exhibit 8 to OnePoint's pending application.

Q. PLEASE DESCRIBE ONEPOINT'S FINANCIAL QUALIFICATIONS TO PROVIDE FACILITIES-BASED SERVICES IN TENNESSEE.

A. OnePoint is financially well qualified to provide telecommunications services in Tennessee. OnePoint enjoys a stable financial setting in which to provide its telecommunications services as evidenced by the financial statements on file with this Authority in support of the current application for which my testimony is being provided. OnePoint does intend to construct switching facilities as evidenced by Exhibit 7. OnePoint has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to providing local exchange telecommunications services. The financial resources available to OnePoint are described in its Application and set forth in OnePoint's financial statements found in Exhibit 5 of the Application.

Q. IN YOUR OPINION, ARE THE FINANCIAL RESOURCES AVAILABLE TO ONEPOINT ADEQUATE TO PERMIT IT TO OFFER THE SERVICES DESCRIBED IN ITS APPLICATION?

A. Yes.

Q. PLEASE DESCRIBE BRIEFLY ONEPOINT'S PROPOSED SWITCHED SERVICES.

A. OnePoint initially plans to offer local exchange, exchange access and interexchange Service. OnePoint will provide bundled local and long distance telephone, as well as high speed internet service to residential multiple dwelling units. OnePoint will Provide advanced features, local exchange access, interlata toll, switched access non-optional ancillary services such as E-911, directory listings, operator services, etc. OnePoint will provide interconnection on a nondiscriminatory basis with other local exchange service providers. OnePoint will make every effort to do business with small and minority owned companies.

Q. HOW ARE TROUBLE REPORTS HANDLED?

A. Trouble or billing inquiries will be reported by the customer directly to OnePoint via a toll-free number during normal business hours. After normal business hours, calls are taken by a vendor who takes billing issues for referral to OnePoint

personnel on the next workday; trouble reports are worked per an established protocol which can lead to immediate OnePoint contact via paging. OnePoint's normal business hours are Monday – Saturday 7:30 Am to 12:30 AM ( EST) and Sunday 12:00 ( noon ) to 9:00 PM ( EST ).

Q. HOW ARE BILLING ERRORS AND COMPLAINTS HANDLED?

A. OnePoint will be responsible for all customer inquiries and complaints. The toll-free number for customer inquiries and complaints will be provided on all customer bills and in all OnePoint mailings.

Q. PLEASE DESCRIBE THE AUTHORITY THAT ONEPOINT SEEKS BY THIS APPLICATION.

A. By this Application, OnePoint seeks authority to provide intrastate local exchange telecommunications services to customers on a statewide basis in Tennessee. OnePoint will operate as both a resale and facilities-based local exchange provider. OnePoint will market primarily to residential multiple dwelling units. OnePoint requests a certificate to offer the services I have previously described on a statewide basis in Tennessee but, in accordance with the limitations described in T.C.A. § 65-4-20(d). OnePoint does not, by this Application, seek authority to provide service to any customers located in areas served by incumbent local exchange carriers with fewer than 100,000 total access lines nor in areas served by a telephone cooperative.

Q. WHAT GEOGRAPHIC AREAS WILL ONEPOINT SERVE?

A. OnePoint seeks immediate authority to provide facilities-based local exchange telecommunications services in all exchanges in which BellSouth provides local exchange service.

Q. DOES ONEPOINT HAVE A SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN?

A. Yes. OnePoint recognizes the importance of supporting small and minority-owned business and agrees to contribute its share to the fund established by the Department of Economic and Community Development in accordance with Section 17 of the Act and to support small and minority-owned telecommunications businesses. OnePoint submitted its Small and Minority-Owned Telecommunications Business Participation Plan in June of 1999.

Q. WILL ONEPOINT COMPLY WITH ALL APPLICABLE AUTHORITY RULES, POLICIES AND ORDERS?

A. Yes.

Q. PLEASE DESCRIBE THE PUBLIC BENEFITS ASSOCIATED WITH ONEPOINT'S PROPOSED OFFERING OF INTRASTATE TELECOMMUNICATIONS SERVICES WITHIN TENNESSEE.

A. OnePoint believes that approval of its application will serve the public interest by increasing competition for basic local exchange services, which will offer customers in Tennessee a wider range of product offerings, innovative technologies, increased quality and lower prices for local telecommunications services.

Q. TO DATE, HAS ONEPOINT HAD ANY CONSUMER COMPLAINTS FILED WITH THE STATE or FEDERAL COMMISSIONS?

A. Yes. A detailed description of those complaints and their disposition has been attached.

Q. PLEASE DISCUSS THE ROOT CAUSES OF THE COMPLAINTS DETAILED ABOVE AND THE MANAGEMENT ACTIONS TAKEN TO ADDRESS UNDERLYING PROBLEMS.

A. OnePoint root cause analysis and subsequent management corrective actions are as follows:

(1) RBOC operational support.

OnePoint continually dialogs concerns with RBOCs relative to service support levels and system capabilities / deficiencies. The dialog has resulted in escalation and, in one case, 271 docket intervention.

(2) Outside vendor billing system support

OnePoint has demanded and achieved vendor system modification and software enhancements to correct processing deficiencies. In addition, OnePoint is currently in vendor discussion relative to development of a billing quality module designed to enhance bill quality and to minimize the possibility of mass billing failures.

(3) The nature of our market niche..

OnePoint's business model remains focused on multiple dwelling units. This market niche, by its very nature, is subject to excessive account churn and change. As OnePoint moves to a facilities-based mode of operation, churn and changes will be more directly controlled by OnePoint personnel which should act to diminish problems generated by the sheer volume of change.

(4) OnePoint's business model has not included a credit screen.

OnePoint is in the process of introducing a credit screen process which should act to identify problem subscribers before they get on our network.

(5) As with any start up or growth company, the acquisition, training and performance capabilities of new employees and supervisors is an issue

OnePoint has aggressively fortified its hiring and training staff to improve employee and supervisory credentials and capabilities.

- (6) Organizational structure and dispersion.

OnePoint has recently completed the consolidation of the provisioning and maintenance functions from four locations to one. Such consolidation will enhance issue focus, training and process development and review.

- (7) Sometimes customers are just plain wrong or purposely log erroneous complaints

OnePoint has experienced several recent complaints wherein customers have, in fact, gamed the process so as to delay treatment and collection activity.

Q. HAS ONEPOINT RESOLVED ALL FEDERAL AND STATE COMPLAINTS?

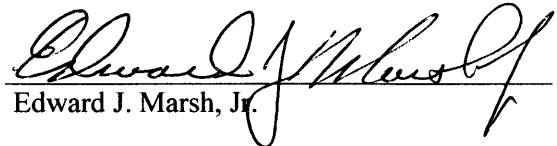
A. Yes.

Q. IS ONEPOINT IN GOOD STANDING IN ALL JURISDICTIONS WHERE IT IS CURRENTLY DOING BUSINESS?

A. Yes.

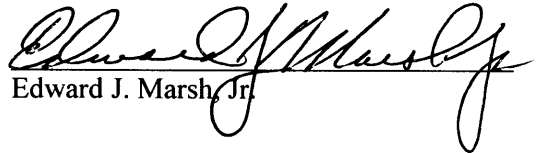
Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does.

  
Edward J. Marsh, Jr.

STATE OF ILLINOIS  
COUNTY OF LAKE

Edward J. Marsh, Jr., being first duly sworn, deposes and states that he is the Manager of Regulatory Affairs for OnePoint, and that this direct testimony is true and correct to the best of his knowledge, Information and belief.

  
Edward J. Marsh, Jr.

Subscribed and sworn before me this 22 day of March, 2000.



Notary Public

My Commission Expires: 11-24-01

